

2007 No. 1084

AGRICULTURE

CEREALS MARKETING

The Home-Grown Cereals Authority (Rate of Levy) Order 2007

<i>Made</i> - - - -	<i>27th March 2007</i>
<i>Laid before Parliament</i>	<i>2nd April 2007</i>
<i>Coming into force</i> - -	<i>1st July 2007</i>

The Home-Grown Cereals Authority (“the Authority”) are established by section 1 of the Cereals Marketing Act 1965(a) (“the Act”).

In accordance with section 13(1) of the Act(b), the Authority have prepared an estimate of the amount required to be raised by levy for the purposes of the Authority’s functions under Part I of the Act.

The levy is to be imposed on persons specified in the Home-Grown Cereals Authority Levy Scheme 1987(c) and in the Home-Grown Cereals Authority Oilseeds Levy Scheme 1990(d) for the period of twelve months beginning on 1st July 2007.

In accordance with section 13(1) of the Act, the Authority have submitted the estimate to the Secretary of State for Environment, Food and Rural Affairs (“the Secretary of State”), the National Assembly for Wales (“the National Assembly”), the Scottish Ministers and the Northern Ireland Department of Agriculture and Rural Development (“the Northern Ireland Department”)(e).

In accordance with section 13(2) of the Act, the Authority have also submitted, together with the estimate, proposals as to the kinds of home-grown cereals in respect of which a levy should be

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- (a) 1965 c.14; section 1 was amended by sections 4 and 24(4) of, and paragraph 2 of Schedule 3 to, the Agriculture Act 1986 (c.49).
- (b) Section 13 was amended by S.I. 1979/26 and section 24(5) of, and Schedule 4 to, the Agriculture Act 1986. Section 13(1) requires the Home-Grown Cereals Authority to prepare and submit an estimate of the amount required to be raised by levy for that year to Ministers.
- (c) Approved (with modifications) by the Home-Grown Cereals Authority Levy Scheme (Approval) Order 1987 (S.I. 1987/671), as varied by S.I. 1990/1316, 1991/1302, 1996/2843, 2001/2687 and as amended in relation to England, Wales and Northern Ireland by S.I. 2001/3686 and in relation to Scotland by S.S.I. 2001/390.
- (d) Approved by the Home-Grown Cereals Authority Oilseeds Levy Scheme (Approval) Order 1990 (S.I. 1990/1317) which was amended in relation to England, Wales and Northern Ireland by S.I. 2001/3686, and in relation to Scotland by S.S.I. 2001/390.
- (e) Section 13 of the Act provides for Ministers to make an order specifying rates of levy sufficient to meet the amount required to be raised for the purposes of the non-trading functions of the Authority under the Act. See the definition of “the Ministers” in section 24(1) of the Act. By virtue of regulation 2(5) of the Ministry of Agriculture, Fisheries and Food (Dissolution) Order 2002 (S.I. 2002/794), the functions of the Minister of Agriculture, Fisheries and Food under section 13 of the Act were transferred to the Secretary of State for Environment, Food and Rural Affairs.

imposed and as to the apportionment of the amount specified in the estimate as between those kinds of home-grown cereals.

In accordance with section 13(3) of the Act, the Secretary of State and the National Assembly—

- (a) have determined that the amount to be raised by levy for the relevant year for such purposes shall be £10,937,000 and that the kinds of home-grown cereals in respect of which the levy is to be imposed for the relevant year shall be wheat (including durum wheat), barley, oats, rye, maize, triticale or any two or more of those cereals grown as one crop, and rapeseed, linseed, soyabean, sunflowerseed or any two or more of those oilseeds grown as one crop; and
- (b) have apportioned the amount so determined as between those cereals and those oilseeds so that the amount to be raised by levy in respect of the cereals is £9,333,000 and the amount to be so raised in respect of the oilseeds is £1,604,000 and the rates of levy on each kind of cereal or each kind of oilseed respectively are the same.

Accordingly, the Secretary of State and the National Assembly(a), acting jointly, in exercise of the powers conferred upon them by sections 13(3) and 23(1) of the Act, and with the consent of the Scottish Ministers(b) and the Northern Ireland Department(c), make the following Order:

Citation and commencement

1. This Order may be cited as the Home-Grown Cereals Authority (Rate of Levy) Order 2007 and comes into force on 1st July 2007.

Interpretation

2. In this Order, “the relevant year” means the period of 12 months beginning on 1st July 2007.

Rates of Levy – Cereals

3.—(1) For the relevant year, the rates of levy per tonne of cereals delivered, which appear to the Secretary of State and the National Assembly for Wales to be sufficient (but not more than sufficient) to meet the amount apportioned to each kind of cereal, are—

- (a) 50.8775 pence in respect of dealer levy,
- (b) 47 pence in respect of grower levy,
- (c) 9.69375 pence in respect of standard-rate processor levy, and
- (d) 4.7 pence in respect of reduced-rate processor levy.

(2) In this article—

- (a) “cereals” means cereals grown in the United Kingdom being wheat (including durum wheat), barley, oats, rye, maize, triticale or any two or more of such cereals grown as one crop;

(a) In respect of the National Assembly for Wales, the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) transferred the functions of the Secretary of State for Wales to the National Assembly to the same extent that they had been transferred to the Secretary of State for Wales by S.I. 1969/388 and S.I. 1978/272.

(b) By article 2 of, and the Schedule to, the Scotland Act 1998 (Cross-Border Public Authorities) (Specification) Order 1999 (S.I. 1999/1319), the Home-Grown Cereals Authority were specified as a cross-border public authority for the purposes of that Act. By article 3 of, and paragraph 3 of Schedule 13 to, the Scotland Act 1998 (Cross-Border Public Authorities) (Adaptation of Functions etc.) Order 1999 (S.I. 1999/1747), the functions of the Secretary of State for Scotland in relation to section 13 of the Cereals Marketing Act 1965 ceased and the functions under that section are now exercisable only with the consent of the Scottish Ministers.

(c) By article 6 of the Northern Ireland Act 1998 (Modification of Enactments) Order 2002 (S.I. 2002/2843), the functions of the Secretary of State for Northern Ireland in relation to section 13 of the Cereals Marketing Act 1965 ceased and the functions under that section are now only exercisable with the consent of the Northern Ireland Department.

- (b) “dealer levy”, “grower levy”, “reduced-rate processor levy” and “standard-rate processor levy” have the meaning given by paragraph 2 of the Schedule to the Home-Grown Cereals Authority Levy Scheme (Approval) Order 1987.

Rate of Levy - Oilseeds

4.—(1) For the relevant year, the rate of levy per tonne of oilseeds delivered, which appears to the Secretary of State and the National Assembly for Wales to be sufficient (but not more than sufficient) to meet the amount apportioned to each kind of oilseed, shall in each case be 76.375 pence.

(2) In this article, “oilseeds” means oilseeds grown in the United Kingdom being rapeseed, linseed, soyabean, sunflowerseed or any two or more of such oilseeds grown as one crop.

Jeff Rooker

Minister of State

27th March 2007

Department for Environment, Food and Rural Affairs

Signed on behalf of the National Assembly for Wales

Dafydd Elis-Thomas

Presiding Officer

27th March 2007

We consent

Ross Finnie

A member of the Scottish Executive

14th March 2007

The Department of Agriculture and Rural Development
consents to the foregoing Order.

Sealed with the Official Seal of the Department of Agriculture and Rural
Development on 23rd March 2007

Liam McKibben

A Senior Officer of the Department of
Agriculture and Rural Development

EXPLANATORY NOTE

(This note is not part of the Order)

For the purposes of financing the Home-Grown Cereals Authority's non-trading functions under Part I of the Cereals Marketing Act 1965 for the year beginning on 1st July 2007, this Order specifies the rates of dealer levy, grower levy and processor levies which appear to the Secretary of State for Environment, Food and Rural Affairs and the National Assembly for Wales to be sufficient to meet the amount apportioned to certain cereals

This Order also specifies the rate of levy which appears to the Secretary of State for Environment, Food and Rural Affairs and the National Assembly for Wales, to be sufficient to meet the amount apportioned to certain oilseeds grown in the United Kingdom.

The Scottish Ministers and the Northern Ireland Department for Agriculture and Rural Development consent to these determinations.

Levy will be imposed in accordance with the provisions of the Home-Grown Cereals Authority Cereals Levy Scheme 1987 (as varied) and the Home-Grown Cereals Authority Oilseeds Levy Scheme 1990, both of which are schemes in force under section 16 of the Act.

A full regulatory impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.

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